

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action. Applicant appreciates the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicant has responded to each notation by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

**Claim Amendments**

Applicant has amended independent Claims 1 and 11 to recite "preventing the amended information entry from being searchable until at least the 'in' table includes the amended information entry." The Specification supports this amendment. *See, e.g.*, Specification, Page 5, Lines 17-31.

**Amendments Filed on June 19, 2007**

The Examiner indicates that the Applicant's amendments filed on June 19, 2007 have been entered. (Final Office Action, Page 2.) The Examiner, however, continues to make rejections based on elements that were removed by these amendments. Applicant addresses these rejections below.

The Examiner rejects Claims 1 and 11 under 35 U.S.C. § 112, second paragraph, stating that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner points to the elements "the out table is unsearchable by a user" and "relational database of a database system." (Final Office Action, Page 3.) These elements, however, were removed by the amendments filed on June 19, 2007. As a result, these rejections are moot. Favorable action is requested.

The Examiner rejects Claims 1-5, 11-12, and 15-16 under 35 U.S.C. § 101, stating that none of the claims are directed to statutory subject matter. The Examiner points to the element "improving the operational performance of [the] database." (Final Office Action, Page 4.) This element, however, was removed by the amendments filed on June 19, 2007. As a result, these rejections are moot. Favorable action is requested.

### **Section 112 Rejections**

The Examiner rejects Claims 1 and 11 under 35 U.S.C. § 112, first paragraph, stating that the claims fail to comply with the enablement requirement. Applicant respectfully traverses these rejections. In order to advance prosecution, however, Applicant has amended Claims 1 and 11 to remove the element “the ‘out’ table being non-visible to a search of the ‘in’ table,” rendering these rejections moot. Accordingly, Applicant requests reconsideration and allowance of Claims 1 and 11.

### **Section 101 Rejection**

The Examiner rejects Claims 1-5, 11-12, and 15-16 under 35 U.S.C. § 101, stating that none of the claims are directed to statutory subject matter. Applicant respectfully traverses these rejections.

The Examiner argues that “a system for amending information in a database system” does not produce a useful, concrete, and tangible result, and therefore is non-statutory subject matter. (Final Office Action, Pages 3-4.)

Applicant respectfully submits that independent Claim 1 recites a useful, concrete, and tangible result. The Federal Circuit in *State Street* explicitly held:

***[T]ransformation of data***, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it ***produces ‘a useful, concrete, and tangible result’—a final share price momentarily fixed for recording and reporting purposes*** and even accepted and relied upon by regulatory authorities and in subsequent trades.”

*State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998) (emphasis added). Claim 1 clearly states “employing the instruction or operation to amend the information entry in the database system.” Just as the transformation of data into a final share price produced a useful, concrete, and tangible result in *State Street*, amending the information entry in the database system also produces a useful, concrete, and tangible result.

For at least this reason, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 101. For analogous reasons, independent Claim 11 and its dependent

claim are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-5, 11-12 and 15-16.

The Examiner further contends that it is not clear what the element “a system for amending information in a database system” of Claim 11 “is and whether it is a system or a method.” (Final Office Action, Page 4.) Applicant points out that Claim 11 expressly states “*a system*” (emphasis added). For at least this reason, independent Claim 11 and its dependent claims are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 11-12 and 16.

### **Section 103(a) Rejections**

The Examiner rejects Claims 1-5, 11-12, and 15-16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,188 to Bachmann et al. (“*Bachmann*”) in view of U.S. Patent No. 6,347,312 to Byrne et al. (“*Byrne*”). Applicant respectfully traverses this rejection for the reasons discussed below.

Applicant respectfully submits that the combination of *Bachmann* and *Byrne* proposed by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicant’s claims. For example, the *Bachmann-Byrne* combination proposed by the Examiner fails to disclose, teach, or suggest the following recited in amended independent Claim 1:

preventing the amended information entry from being searchable until at least the ‘in’ table includes the amended information entry.

The Examiner relies on *Bachmann* and *Byrne* to teach a prior version of Claim 1. Whether or not this is correct, the *Bachmann-Byrne* combination proposed by the Examiner fails to disclose the elements of amended independent Claim 1. For example, neither *Bachmann* nor *Byrne* disclose “preventing the amended information entry from being searchable until at least the ‘in’ table includes the amended information entry” of Claim 1.

In fact, *Bachmann* discloses the opposite. The Examiner relies on a parent table (ldap\_entry table) of *Bachmann* to disclose an ‘out’ table. (Final Office Action, Pages 4-5 (pointing to *Bachmann*, Figs. 7-8; Col. 6, Line 47–Col. 7, Line 15).) If this were correct, which Applicant does not concede, then the ‘out’ table of *Bachmann* is searchable regardless of whether an ‘in’ table includes the amended information entry.

For example, *Bachmann* discloses using only the parent table in a search. (*Bachmann*, Fig. 10; *see also Bachmann*, Col. 7, Lines 39-59.) Therefore, when an entry is first added to the parent table (*see Bachmann*, Col. 7, Lines 1-15), the added entry is searchable prior to the entry being added to the descendant table. As a result, *Bachmann* fails to disclose “preventing the amended information entry from being searchable until at least the ‘in’ table includes the amended information entry” of Claim 1.

Consequently, the *Bachmann-Byrne* combination proposed by the Examiner fails to disclose, teach, or suggest the elements of amended independent Claim 1. For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claim 11 and its dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-5, 11-12, and 15-16.

#### **New Claims**

Applicant has added dependent Claims 17-22. The Specification supports these claims. *See, e.g.*, Specification, Page 5, Lines 17-31.

Claims 17-22 depend from independent Claims 1 and 11. Therefore, for at least the reasons discussed above regarding independent Claims 1 and 11, dependent Claims 17-22 are allowable. Accordingly, Applicant respectfully requests allowance of Claims 17-22.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge the required \$810.00 fee to file a Request for Continued Examination (RCE) and, to the extent necessary, charge any other required fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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